



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.09.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD).No.4530 of 2014
and
M.P.(MD).Nos.1 and 2 of 2014

Sintha Madhar

..Petitioner

Vs.

V.Arumugam

..Respondent

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for records in Crl.M.P.No.1537 of 2010 in C.C.No.336 of 2013, on the file of the learned Judicial Magistrate No.I, Tirunelveli and set aside the order of the learned Trial Court, dated 16.07.2010.

For Petitioner : Mr.S.M.A.Jinnah

O R D E R

This petition is filed to set aside the criminal proceedings in Crl.M.P.No.1537 of 2010 in C.C.No.336 of 2013, on the file of the learned Judicial Magistrate No.I, Tirunelveli, dated 16.07.2010.

2.The learned counsel appearing for the petitioner would submit that the learned Judicial Magistrate No.I, Tirunelveli allowed the representation delay petition, without ordering notice to the petitioner herein.

3.On perusal of records shows that the respondent filed a complaint as against the petitioner under Section 138 of Negotiable Instrument Act. After filing the complaint, it was returned with certain clarifications. Thereafter, the respondent filed a petition to condone the delay of 85 days in representing the complaint. In the said petition, notice has been ordered to the petitioner and after considering his objection only, the learned Magistrate concerned allowed the petition and condoned the delay of 85 days in representing the complaint.

4.This Court is of the view that absolutely there is no error in the order passed by the learned Judicial Magistrate No.I, Tirunelveli. Therefore, this Court is not inclined to interfere with the order passed by the learned Magistrate concerned.

5.In view of the above, this criminal original petition is dismissed. Consequently, the connected miscellaneous petitions are closed. However, considering the year of the case, the learned



Judicial Magistrate No.I, Tirunelveli is directed to dispose the case within a period of 6 months from the date of receipt of a copy of this order.

Sd/
Assistant Registrar(AD-II)

/True copy/

Sub Assistant Registrar(CS-IV)

To

1.The Judicial Magistrate No.I, Tirunelveli.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.M.A.JINNAH,Advocate, SR.No.88009

Cr1.O.P. (MD) .No.4530 of 2014
and
M.P. (MD) .Nos.1 and 2 of 2014
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MSA
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